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December 24, 2024

By: ECF
The Honorable Magistrate Judge Katharine H. Parker
United States Magistrate Judge
District Court for the Southern District of New York
United States Courthouse
500 Pearl Street, Room 750
New York, New York 10007

Re: Building Service 32BJ Pension Fund
v.
Whitehouse Estates Inc.
23-CV-7286 (ALC)(KHP)

Dear Magistrate Judge Parker,

The undersigned is counsel to the plaintiff, Building Service 32BJ Pension ("Fund"). The following letter is submitted as per Sections 2.c of Your Honor's Individual Rules of Practice, which requires a request for a pre-motion conference in connection with a plaintiff's intent to file a motion for sanctions, pursuant to FRCP 37(b)(2). The anticipated motion will include a requested remedy of striking of all of the Defendants' answers and the entering of default judgments.

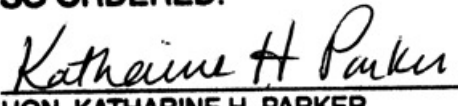
Defendants have demonstrated an intentional course of conduct by Defendant William Koepfel's intent to frustrate the judicial system. By letter dated December 5, 2024 (Docket Entry # 66), the undersigned requested a pre-motion conference regarding a discovery dispute. The specific complaint was the failure of Mr. Koepfel to make himself available for a deposition.

Your Honor by Order dated December 6, 2024 (Docket Entry # 67) ordered:

The Court finds that a conference is unnecessary. Defense counsel shall provide to Plaintiff a date certain for which William Koepfel is available for a deposition before January 17, 2025. Defense counsel shall file a letter with the Court by December 23, 2024 informing the Court of the date of Mr. Koepfel's deposition.

The Court finds that a pre-motion conference is unnecessary. Plaintiff's request to file a motion for sanctions is GRANTED. Plaintiff shall file a motion for sanctions by **January 17, 2025**. Defendants shall respond to the motion for sanctions by **January 31, 2025**. Plaintiff may file a reply by **February 10, 2025**.

SO ORDERED:

 12/26/2024
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

Failure to comply with this Order may result in sanctions. In addition, the briefing schedule for the motion for summary judgment is extended by 30 days

To date I have not been contacted by Defendants' counsel to schedule Mr. Koeppe's deposition. Nor has counsel for Defendants complied with the Court's Order to "file a letter with the Court by December 23, 2024 informing the Court of the date for Mr. Koeppe's deposition." Nor has counsel for the Defendants asked the undersigned or the Court for an extension of the deadline. As December 23, 2024 has come and gone, and no letter has been filed, Plaintiff asks that the Court waive the need for a pre-motion conference and grant Plaintiff leave to file a sanctions motion, as contemplated by Your Honor in Your Honor's Order of December 6, 2024.

Respectfully submitted,



Ira A. Sturm

Cc: Christopher John Alvarado, I (By: ECF)